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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/362,715	07/29/1999	KAZUHIKO YUKAWA	024060-110	7213

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POST OFFICE BOX 1404
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EXAMINER

VILLECCO, JOHN M

ART UNIT	PAPER NUMBER
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2612

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DATE MAILED: 04/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/362,715

Applicant(s)

YUKAWA ET AL.

Examiner

John M. Villecco

Art Unit

2612

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 31 March 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 4 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____

Claim(s) objected to: _____

Claim(s) rejected: 1-3,5-11 and 13-17.

Claim(s) withdrawn from consideration: _____

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
10. ☐ Other: _____

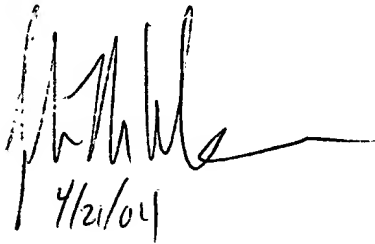

WENDY R. GARBERSUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

Continuation of 5. does NOT place the application in condition for allowance because:

Regarding claims 1, 5, 14, and 16, it appears that the main argument that the applicant is trying to make in refuting the rejections based upon Hamada and Toyofuku is whether or not the lens is driven to an in-focus position for distant to close-range views. In response to this argument, applicant is directed to page 20, lines 8-11 of the applicant's own specification, where the applicant describes the focus position where in-focus condition is substantially obtained for distant to close-range views. Applicant then goes on to state that this focus position is also called the pan focus position. In column 16, lines 5-7 of Toyofuku, when a photography mode is selected and an LCD switch is on, the lens is driven to a pan focus position. Hamada is used to disclose the driving of a lens to a useable position upon powerup. When used in conjunction with Toyofuku, one of ordinary skill in the art would have found it obvious to drive the lens of Hamada to a pan focus position upon powerup.

Regarding claim 7, applicant argues that the interpretation of claim 7 is inconsistent with the interpretation of claim 6. However, since claim 7 is not dependent upon claim 6, the claims can be interpreted in any manner. Additionally applicant argues that Toyofuku does not disclose any particulars of when the LCD is driven. However, one of ordinary skill in the art can see that when the LCD switch is activated, the lens is moved to the pan focus position and then the image is displayed on the LCD.

As for claims 10, 11, and 17, applicant argues that the disclosure of Toyofuku teaches away from a combination with Isoguchi. More specifically, applicant points out that the lens is only driven to the pan focus position when the LCD switch is operated. However, as one can see from the chart in Figure 24, after capturing an image, the lens is reset and if the LCD switch is on, the lens is moved to the pan focus position again. Therefore, after capturing an image the lens is driven to the pan focus position.



Handwritten signature and date 4/21/04.